

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BRIAN OTERO, individually and on behalf of all others similarly situated,)	
)	
Plaintiff,)	Case No. 1:12-cv-3148
v.)	
)	Hon. Amy J. St. Eve
THOMAS J. DART, SHERIFF OF COOK COUNTY and COOK COUNTY, ILLINOIS,)	
)	
Defendants.)	
)	

AGREED MOTION TO APPROVE PLAN TO FINALIZE AND CLOSE SETTLEMENT

By agreement of the parties, Plaintiff moves the Court to approve a plan for finalizing and closing this class action settlement. In support of this motion, Plaintiff states as follows:

On August 11, 2016, the Court granted final approval of this class action settlement, which provided, among other things, for the payment of \$100 to each class member who submitted a valid and timely claim. By March 14, 2017, pursuant to the schedule set forth in the settlement agreement, the settlement administrator mailed payments to all class members who submitted a valid and timely claim. Over the next several months, Class Counsel received a few dozen inquiries from individuals who either claimed they did not receive their settlement check¹ or failed to cash it prior to the 60-day stale date. When such individuals were confirmed as being both a class member and having submitted a valid and timely claim, the settlement administrator cancelled the prior check and re-issued a new settlement check to the individual.

Over the past several months, these inquiries have become less frequent and almost non-existent. According to the settlement administrator, however, there are still approximately 1,299

¹ Several of these inquiries were from individuals who were either not class members or who failed to submit a valid and timely claim and, therefore, were not eligible for a settlement payment.

checks that have still not been cashed. The amount set aside to pay for additional settlement administration costs has been fully expended. In order to ensure that class members are given a reasonable opportunity to cash their settlement checks, while at the same time providing closure to the settlement and avoid further settlement administration costs of diminishing returns, the parties propose the following plan:

- 1) The settlement administrator will re-issue checks that remain uncashed with a 30-day stale date. No further requests by class members for a check re-issuance will be allowed.
- 2) The settlement administrator will not re-issue checks that have already been re-issued and are still within their stale date.
- 3) Class members who have not cashed their re-issued check as described in Paragraphs (1) or (2) above by the stale date will have been deemed to have waived their claim to a settlement payment.
- 4) The account holding the uncashed check fund will be closed twenty-one (21) days after the latest stale date of the re-issued checks. At that time, any amount remaining in uncashed check funds will first be used to pay any remaining administration costs. Any amount remaining from the uncashed check funds after payment of settlement administration costs will revert to Defendants.

The parties have consulted with each other as well as the settlement administrator and believe this is the most reasonable and economically feasible course of action to allow class members an additional opportunity to cash their settlement checks while providing some sort of timeline for closure and finalization of this settlement.

WHEREFORE, the parties respectfully request the Court to approve the plan set forth above for finalizing and closing this settlement. A copy of a proposed order will be submitted to chambers.

Dated: August 2, 2017

Respectfully Submitted,

BRIAN OTERO, individually and on behalf
of all others similarly situated,

By: /s/ Jacie C. Zolna
One of the Attorneys for Plaintiff
and the Class

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